

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: <i>Gross</i>) Art Unit: <i>3625</i>
)
Serial No.: <i>10/770,937</i>) Examiner: <i>Nicholas Rosen</i>
)
Filed: <i>2-2-2004</i>)
)
For: <i>Method of providing access to playable media</i>)

INFORMATION DISCLOSURE STATEMENT SUBMITTED UNDER
37 C.F.R. § 1.97(i)

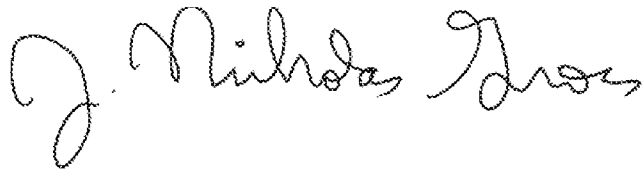
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. The enclosed materials identified on form 1449 are associated with related application serial no. 10/771,049 by the present inventor which is currently pending before Examiner Dennis W. Ruhl in Art Unit 3629. They include the following:
 - a) a purported proof of prior use/art by a third party concerning certain subject matter claimed in the '049 application;
 - b) an IDS filed by the Applicant in the '049 proceedings pointing out the deficiencies in the thirty party evidence;
 - c) an Office Action dated September 20, 2007 which discusses and concludes that such third party materials are deficient, non-credible, and inadequate to support the third party contentions that such constitute prior use or prior publications; see pages 2 – 5 of the Office Action.
2. Pursuant to 37 C.F.R. § 1.97(i), please place the attached Form 1449 and the enclosed copies of the listed patents and non-patent literature in the above-referenced file. In submitting these references, no representation is made or implied that the references are or are not material to the examination of this application.
3. Pursuant to 37 CFR 1.98(a)(2) enclosed are copies of all foreign patent documents and non-patent literature as cited on the attached form 1449.

4. This Information Disclosure Statement is filed with no request for consideration of these references. Accordingly, no fee is believed due. However, any fee associated herewith may be charged to Deposit Account No. 501-244.

Respectfully submitted,

A handwritten signature in cursive script that reads "J. Nicholas Gross". The signature is written in dark ink and is positioned above the printed name and title.

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October 17, 2007
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